

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

**EXTENET SYSTEMS, INC.,**

**Plaintiff,**

**v.**

**THE CITY OF EAST ORANGE et al.,**

**Defendants.**

Civ. No. 2:19-cv-21291 (WJM)

**ORDER**

**WILLIAM J. MARTINI, U.S.D.J.**

**THIS MATTER** comes before the Court upon Plaintiff ExteNet Systems, Inc.'s ("ExteNet") timely motion to alter or amend the judgment entered against Defendant City of East Orange and others ("Defendants") on December 9, 2020, pursuant to Federal Rule of Civil Procedure 59(e). ECF No. 31. The motion is unopposed.

**WHEREAS**, on December 9, 2020, this Court entered an Order and Opinion granting in part and denying in part ExteNet's motion for summary judgment against Defendants. ECF Nos. 26-27; and

**WHEREAS**, in the Opinion, the Court found "that Defendants failed to act on the April applications [for installation of Small Wireless Facilities] within a reasonable time and that Defendants' inaction had the effect of prohibiting the provision of wireless services." ECF No. 26 at 9. Considering the Federal Communications Commission's position that "the most appropriate remedy in typical cases involving a violation of Sections 332(c)(7)(B)(i)(II) and/or 332(c)(7)(B)(ii) is the award of injunctive relief in the form of an order to issue all necessary authorizations," the Court concluded that such injunctive relief was the appropriate remedy here. *Id.* The accompanying Order, however, inadvertently omitted the award of injunctive relief. ECF No. 27; and

**WHEREAS**, ExteNet now seeks an altered or amended Order directing Defendants to issue all necessary permits and authorizations for the six (6) April applications within ten (10) days of entry of the amended Order. Pl. Br. at 2, ECF No. 31-1. Finding that this provision aligns with the Court's December 9, 2020 Opinion resolving ExteNet's motion for summary judgment, and for good cause appearing;

**IT IS** on this 26th day of January 2021,

**ORDERED** that ExteNet's unopposed motion to alter or amend the judgment entered against Defendants on December 9, 2020, pursuant to Federal Rule of Civil Procedure 59(e), ECF No. 31, is **GRANTED**. An Amended Order, to be read in conjunction with the Court's December 9, 2020 Opinion resolving ExteNet's motion for summary judgment, shall follow.



WILLIAM J. MARTINI, U.S.D.J.